



PATENT
Customer No.: 22,852
Attorney Docket No. 08049.0831-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Edward J. KUEBERT et al.) Group Art Unit: 3628
Application No.: 09/976,039) Examiner: Fadey S. Jabr
Filed: October 15, 2001) Confirmation No.: 1583
For: **FLEXIBLE MAIL DELIVERY**)
SYSTEM AND METHOD)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF WILLIAM BROGAN UNDER 37 C.F.R. § 1.131

1. I am a registered patent attorney and a member of the Bar of the Commonwealth of Virginia in the firm of Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. ("FHFGD").
2. I helped prepare U.S. Application No. 60/239,926, filed October 13, 2000, ("the '926 application"), from which U.S. Patent Application No. 09/976,039, filed October 15, 2001, claims priority.
3. I have read the documents titled "Declaration of Edward J. Kuebert Under 37 C.F.R. § 1.131," "Declaration of Scott R. Bombaugh Under 37 C.F.R. § 1.131," and "Declaration of William J. Dowling Under 37 C.F.R. § 1.131" ("the inventor declarations") and attest to their accuracy where it refers to my actions.

4. Further, my actions are recorded on billing records kept in the ordinary course of business while working on the '926 application. These are attached to the inventor declarations as Exhibit D. These billing records were reprinted for purposes of this declaration, and contain the client number "08049" of the present owner of the present patent application, the United States Postal Service ("USPS"). The billing record entries shown in Exhibit D appear to be true and accurate copies of billing record entries, as redacted for confidentiality, that I recorded when working on the '926 application, and correctly detail the work I performed.

5. Based on information and belief, on a date prior to September 1, 2000, FHFGD received a letter from Ms. Linda Paine-Powell, who was a USPS in-house counsel, requesting that FHFGD begin the process of patenting this invention.

6. The client-matter number assigned to the '926 application was 08049.6229-000000. This number appears on the left of each billing record entry.

7. The 08049.6229-00000 matter was assigned to me, and I picked it up and began work on the matter before September 28, 2000, as shown in Exhibit C to the inventor declarations.

8. Between September 27, 2000, and October 2, 2000, I worked only on other matters that were received into the firm before the 08049.6229-0000 matter, with the possible exception of 4.0 hours spent on three other USPS matters. It was my general practice to take up matters in chronological order, and in the order I received them. This is evidenced by the billing records kept in the ordinary course of business attached to the inventor declarations as Exhibit D.

9. On October 3, October 4, October 6, October 9, October 10, October 11, and October 13 of 2000, I worked on the 08049.6229-00000 matter. This is evidenced by the billing records kept in the ordinary course of business attached to the inventor declarations as Exhibit D.

10. Based on information and belief, U.S. Patent Application No. 60/239,926, entitled "Flexible Parcel Delivery System and Method" was filed on October 13, 2000, as evidenced by the Filing receipt attached to the inventor declarations as Exhibit E.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Dated: 2/21/08

By: William J. Brogan
William J. Brogan